IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.571 OF 2006

Sangramsing Sampatrao Deshmukh
and others Petitioners

versus

State of Maharashtra & others Respondents

Shri Amit Borkar for petitioners.

Shri A.H.Palekar, AGP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th February 2006

PC :

1. Heard Shri Borkar for the petitioners and Shri Palekar for respondents.

2. The Commissioner of Sugar and Additional Registrar, Pune Division has passed an order on 18th November 2005 deregistering the society namely Sampatrao Deshmukh Sahakari Sakhar Karkhana Maryadit. That order is challenged in appeal before the appellate authority namely Minister of Co-operation and Textiles, Government of Maharashtra. The Appeal bearing No.352 of

2005 is pending. The petitioners are aggrieved by the rejection of an application for stay by the Minister and that action is subject matter of challenge in this petition under Articles 226 and 227 of the Constitution of India.

3. The action of deregistration of the society has serious consequences inasmuch as subsequent thereto the procedure which is to be followed whil eliquidating and winding up a society, is required to be followed. Therefore, it was in the fitness of things that the appellate authority directed stay of the implementation of the order passed on 18th November 2005.

4. In the petition a serious grievance is made that the concerned Minister refused to take up the appeal and the stay application. That apart, the action of de-registration is taken at his instance is also one of the allegations in the petition. In these circumstances, the following order would meet the ends of justice.

5. ORDER :- A) The order dated 18th November 2005 passed by respondent no.2 is stayed till hearing and final disposal of Appeal No.352 of 2005;

B) The said appeal shall now be heard by the Secretary, Department of Co-operation and Textiles, Government of Maharashtra;

C) All contentions on merits are expressly kept open.

D) Petition disposed of.

(S.C.DHARMADHIKARI, J.)